

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TAKEDA PHARMACEUTICAL COMPANY)
LIMITED, a Japanese Corporation, and TAP)
PHARMACEUTICAL PRODUCTS INC., a)
Delaware Corporation,)

Plaintiffs,)

v.)

BARR LABORATORIES, INC., a Delaware)
Corporation, and BARR PHARMACEUTICALS,)
INC., a Delaware Corporation,)

Defendants.)

C.A. No. 08-339-SLR

STIPULATION OF DISMISSAL

Takeda Pharmaceutical Company Limited and TAP Pharmaceutical Products, Inc., (collectively "Takeda") and Defendants Barr Laboratories, Inc. ("Barr Labs") and Barr Pharmaceuticals, Inc. ("Barr Pharmaceuticals"), subject to the Court's approval, hereby stipulate to dismiss the Complaint as filed by Takeda against Defendant Barr Pharmaceuticals in the above captioned action. The action will continue against Barr Labs. It is further stipulated that this dismissal is without prejudice and is premised upon the following stipulations:

1. Barr Pharmaceuticals agrees to be bound by any judgment in the above-captioned action against Barr Labs as if it were a party to such action;
2. Barr Pharmaceuticals stipulates that, to the extent that it has documents, witnesses, and information in its custody and control that are relevant to the Complaint against Barr Labs, Barr Pharmaceuticals agrees to provide Takeda with such documents, witnesses, and information in response to discovery requests to Barr Labs to the same extent Barr Pharmaceuticals would be required to do so if it were a party to this action;

3. Pursuant to Fed. R. Civ. P 41(a), Takeda, Barr Labs, and Barr Pharmaceuticals agree to dismiss all claims against Barr Pharmaceuticals in the above-captioned action, without prejudice; and

4. The case caption shall be amended to read: *Takeda Pharmaceutical Company Limited and TAP Pharmaceutical Products, Inc., Plaintiffs v. Barr Laboratories, Inc., Defendant*, Civil Action No. 08-339-SLR.

MORRIS, NICHOLS, ARSHT & TUNNEL LLP POTTER ANDERSON & CORROON LLP

By: /s/ Rodger D. Smith

Jack B. Blumenfeld (#1014)
Mary B. Graham (#2256)
Rodger D. Smith (#3778)
James W. Parrett, Jr. (#4292)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
Tel: 302-658-9200
jblumenfeld@mnat.com
mgraham@mnat.com
rsmith@mnat.com
jparrett@mnat.com

Attorneys for Plaintiffs

By: /s/ David E. Moore

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899
Tel: (302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

Attorneys for Defendants

SO ORDERED

Dated: _____

Honorable Sue L. Robinson
United States District Judge

878904/33171